

United States District Court  
for  
the District of Nevada

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REQUEST FOR MODIFICATION  
TO CONDITIONS OF SUPERVISION WITH CONSENT OF OFFENDER  
*Probation Form 49 (Waiver of Hearing) is Attached*  
December 6, 2018

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Name of Offender: **Marquies McKinzie**

Case Number: **2:12CR00051**

Name of Sentencing Judicial Officer: **Honorable Kent J. Dawson**

Date of Original Sentence: **June 18, 2013**

Original Offense: **Possession of a Firearm by A Convicted Felon**

Original Sentence: **51 Months prison, followed by 36 Months TSR.**

Date Supervision Commenced: **August 3, 2018**

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PETITIONING THE COURT

☒ To modify the conditions of supervision as follows:

1. **Community Service** – You must complete 20 hours of community service within 30 days. The probation officer will supervise the participation in the program by approving the program (agency, location, frequency of participation, etc.). You must provide written verification of completed hours to the probation officer.

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CAUSE

On August 3, 2018, McKenzie commenced supervised release. On August 7, 2018, he reported to the Probation Office and submitted a positive drug test for PCP (Phencyclidine). He indicated that he used K2, a synthetic form of marijuana, while in BOP custody nearly every day but had not used since his release from BOP custody. This test was confirmed by independent laboratory testing. He indicated he would not use any substances while on supervision.

On August 9, 2018, McKenzie failed to appear for a drug test. He then submitted a negative drug test on August 10, 2018.

**RE: Marquies McKinzie**

Prob12B  
D/NV Form  
Rev. June 2014

On October 13, 2018, he was credited with a stalled drug test after he was unable to provide a valid sample. On October 15, 2018, he submitted a negative drug test.

On October 21, 2018, McKenzie failed to appear for a scheduled drug test. On October 22, 2018, he submitted a negative drug test. On that same date, the expectations of the drug testing program were discussed with McKenzie and he stated he understood. He noted that he forgets to call the drug line at times. This officer provided him with a solution to set three alarms on his cell phone to ensure he does not forget to call. At this time, this officer indicated he wanted to submit a request to modify the offender's condition to include 20 hours of community service in 30 days.

Attached is a waiver of hearing form signed by the offender to modify his conditions accordingly. The offender was explained his right to a hearing and the assistance of counsel but waived those rights and agreed to the requested modification.

Respectfully submitted,



Kamu Kapanui

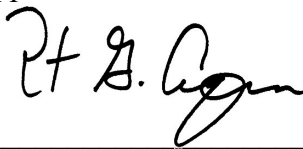
2018.12.06

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Kamuela K Kapanui  
United States Probation Officer

Approved:



Robert G. Aquino

2018.12.06 11:34:06

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Robert Aquino  
Supervisory United States Probation Officer

**RE: Marquies McKinzie**

Prob12B  
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***THE COURT ORDERS***


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- ☐ No Action.
- ☐ The extension of supervision as noted above.
- ☒ The modification of conditions as noted above
- ☐ Other (please include Judicial Officer instructions below):

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\_\_\_\_\_  
Signature of Judicial Officer

12/10/2018  
\_\_\_\_\_  
Date

# UNITED STATES DISTRICT COURT

## District of Nevada

### Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.


I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

1. **Community Service** – You must complete 20 hours of community service within 30 days. The probation officer will supervise the participation in the program by approving the program (agency, location, frequency of participation, etc.). You must provide written verification of completed hours to the probation officer.

Witness

  
\_\_\_\_\_  
U.S. Probation Officer

Signed

  
\_\_\_\_\_  
Probationer or Supervised Releasee  
(McKinzie, Marquies)

10/22/18  
Date